

REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 2, 4-13, and 15-22 remain pending, with Claims 1, 12, 16, 17, 21, and 22 being independent. Claims 3 and 14 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 2, 4-6, 8, 10-12, and 15-22 have been amended. Support for the claim amendments can be found throughout the originally-filed disclosure. Therefore, Applicants respectfully submit the amendments recite no new matter.

Initially, the Office Action rejected Claims 1-11 under 35 U.S.C. § 112, for allegedly providing insufficient antecedent basis for the limitation “the distributer” in Claim 1. Applicants respectfully traverse this rejection, as Claim 1 recites “a distributer” in the preamble of the claim, thereby providing antecedent basis for the later reciting of “the distributer.” Thus, Applicants request this rejection be withdrawn.

The Office Action rejected Claims 1-22 under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. Specifically, the Office Action alleges the claimed invention does not accomplish a practical application, as the claims may be interpreted as involving no more than a manipulation of an abstract idea. Applicants respectfully traverse this rejection, for the following reasons.

Independent Claims 1 and 22, as amended, recite methods for facilitating distribution of a transaction account associated with a card. The claims recite steps as to

how the transaction account associated with the card is distributed. Applicants respectfully submit that the card is a tangible object, and the claim recites a useful application in that the tangible card associated with the transaction account is distributed. As such, for at least these reasons, the claim recites a “useful, concrete, and tangible result,” and, as such, a practical application. Therefore, Claims 1 and 22, and the claims that depend therefrom, recite statutory subject matter under 35 U.S.C. § 101.

Independent Claims 12 and 16, as amended, recite transaction account distribution devices. The devices comprises both a card and a purchase agreement form. The purchase agreement form of Claim 12 comprises a MICR line that is machine readable, and the purchase agreement form of Claim 16 also comprises a line that is machine readable. Applicants respectfully submit that both the card and the purchase agreement form are tangible objects, and, further, the machine readable lines of the purchase agreement forms are both tangible, and allow for a useful application of the “first number” being conveyed to a computer system. Thus, for at least these reasons, the claims recite a “useful, concrete, and tangible result,” and, as such, a practical application. Therefore, Claims 12 and 16, and the claims that depend therefrom, recite statutory subject matter under 35 U.S.C. § 101.

Independent Claims 17 and 21 recite systems for facilitating the distribution of a transaction account. The systems include a distributor system that is configured to distribute cards associated with transaction accounts. Claim 17 further recites communication of information about the distribution via a MICR protocol to a transaction account issuing system. Claim 21 further recites that the distributor system may

communicate with a transaction account issuing system via a pre-established financial infrastructure. As such, these claims recite a tangible object in the form of cards, and a useful application in that the cards are distributed by the distributor system, as well as information being communicated between the distributor system and the transaction account issuing system. Therefore, Claims 17 and 22, and the claims that depend therefrom, recite statutory subject matter under 35 U.S.C. § 101.

The Office Action rejected Claims 1-4, 9, and 11-22 under 35 U.S.C. § 102(e), as allegedly being anticipated by Swift et al. (U.S. Patent Application Pub. No. 2003/0187790).

Applicants respectfully traverse this rejection. Nevertheless, without conceding the propriety of the rejection and solely to advance prosecution, Applicants have amended the claims herein to clarify features not disclosed or suggested by Swift et al. Accordingly, Applicants submit the claims are allowable over Swift et al., for at least the following reasons.

The Office Action alleges that Swift et al. discloses a method and corresponding system for facilitating distribution of a transaction account through a distributor, the method comprising the steps of issuing a transaction account to the distributor, receiving information from the distributor via a MICR protocol, wherein the information reports the distribution of the transaction account, and activating the distributed account, wherein the transaction account is a pre-paid card.

Applicants respectfully submit, however, that Swift et al. does not disclose or suggest consigning a group of transaction account cards, as recited in amended independent

Claim 1. Swift et al. appears to merely disclose a merchant system receiving enrollment data from a user, and then forwarding the enrollment data to a transaction processing system. See, e.g., Swift et al., paragraphs [0051] - [0055]. While Swift et al. appears to disclose a “transaction processor,” at no point does Swift et al. disclose or suggest the transaction processor issuing transaction accounts to the merchant system, prior to distribution of the cards associated with the transaction accounts. Moreover, Swift et al. only explicitly discloses the enrollment process as utilizing a user’s preexisting account. Swift et al., Fig. 3 and paragraph [0085]. Thus, even if Swift et al.’s merchant system is equatable to a “distributor,” nowhere does Swift et al. disclose or suggest that a “plurality of cards are consigned in groups to the distributor,” as recited in Claim 1.

Similarly, with respect to Claim 22, Swift et al. does not disclose or suggest “consigning a plurality of transaction accounts from an issuer to a distributor” in combination with the other steps of associating the transaction accounts with cards and distributing the cards. Again, Swift et al. only appears to disclose a transaction account distribution between a merchant and a user, and not an issuer first consigning a plurality of transaction accounts to the merchant. Therefore, Applicants submit Swift et al. does not disclose or suggest a method, as recited in Claim 22.

With respect to Claims 17 and 22, Applicants respectfully submit Swift et al. fails to teach or suggest the combination of a transaction account issuing system and a distributor system, as recited in these claims. Specifically, Swift et al. fails to teach or suggest a transaction account issuing system configured to issue a plurality of transaction accounts to a distributor system. As noted above, while Swift et al. appears to disclose a

“transaction processor,” at no point does Swift et al. disclose or suggest the transaction processor issuing transaction accounts to the merchant system, prior to distribution of the cards associated with the transaction accounts. As such, Swift et al. does not disclose or suggest a system, as recited in Claims 16 and 22.

With respect to Claims 12 and 16, Applicants respectfully submit Swift et al. fails to teach or suggest a purchase agreement form in combination with a card, as recited in these claims. Accordingly, Swift et al. fails to teach or suggest the purchase agreement form comprising a line configured to be machine readable, as recited in Claims 12 and 16. Therefore, Swift et al. clearly does not disclose or suggest a transaction device with the combination of features recited in Claims 12 and 16.

For at least the foregoing reasons, Applicants submit independent Claims 1, 12, 16, 17, 21, and 22 recite features not disclosed or suggested by Swift et al. Moreover, Applicants submit there would be no reason for one of ordinary skill in the art to have found it obvious to modify the teachings of Swift et al. so as to result in Applicants’ invention, as recited in the independent claims.

The other claims of this application dependent from one of Claims 1, 12, and 17, and, therefore, are patentable for at least the reasons set forth above. Since the dependent claims also define additional aspects of the invention, individual consideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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